

## REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 12, 14, and 16 through 20 are pending, with Claim 12 being independent. Claims 13 and 15 have been cancelled without prejudice. Claim 12 has been amended. Claims 16 through 20, formulated upon the basis of Claims 4 through 8 of the parent application, have been added. The specification has been amended to insert a cross-reference to the parent application, consistent with the Application Data Sheet filed with the application.

Claims 12 through 15 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,387,573 (Oldfield, et al.). All rejections are respectfully traversed.

Claim 12 recites, inter alia, providing thermoplastic resin particles, without using a base material, onto the image-receiving layer, in combination with heating and pressurizing the thermoplastic resin particles on the image-receiving layer to form a protective layer.

However, Applicants respectfully submit that Oldfield, et al. fails to disclose or suggest at least the above-discussed combination of claimed features as recited, inter alia, in Claim 12. Applicants respectfully submit that Oldfield, et al. discloses, e.g., a transferable protection layer, containing particles in an amount up to about 75% of the thickness (col. 2, lines 5-13), where a thermal head is used to transfer a clear protective layer from the dye-donor element or from a separate donor element onto the imaged receiving sheet by uniform application of heat, which layer is released from the donor support in the area where heat is applied (e.g., col., 4, lines 7-15). However, Applicants respectfully submit that neither the foregoing nor the remainder of Oldfield, et al. constitutes either a description or a suggestion of at least the above-discussed combination of claimed features as recited, inter alia, in Claim 12.

It is further respectfully submitted that there has been no showing of any indication of motivation in the cited document that would lead one having ordinary skill in the art to arrive at such features. By means of such features, Applicant respectfully submits that, for example, a protective layer is formed and a base material is not required to be used.

Claims 12 through 15 were rejected under the judicially-created doctrine of obviousness-type double patenting over Claims 1, 4, 5, 6, and 11 over U.S. Patent No. 6,650,350 B2 (Suzuki, et al.), the parent of the subject application. All rejections are respectfully traversed.

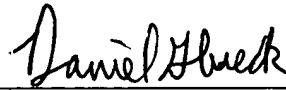
Applicants respectfully submit that none of the specified claims of Suzuki, et al., which recite, inter alia, flattening the thermoplastic resin particles, discloses or suggests at least the above-discussed combination of claimed features as recited, inter alia, in Claim 12.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel S. Glueck", positioned above a horizontal line.

Daniel S. Glueck  
Attorney for Applicants  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

DSG